

REMARKS

By the present amendment, claims 3, 6, and 9, as well as withdrawn claims 7 and 8, have been amended to replace “comprise” by “comprises.”

Also, the abstract has been amended.

Claims 1-11 are pending in the application. However, claims 7-8 have been withdrawn from consideration following an election of species. Therefore, claims 1-6 and 9-11 are currently under consideration. Claim 1 is the only independent claim.

Objections to the Abstract

In the Office Action, the abstract is objected to as including legal terminology “means.”

The abstract has been amended to remove legal phraseology and reduce the length to 149 words. Accordingly, it is submitted that the objection should be withdrawn.

Objections to claims 3, 6 and 9

In the Office Action, claims 3, 6 and 9 are objected to as reciting “comprise” instead of “comprises.”

The use of “comprise” after “means” is standard grammatically, but claims 3, 6, and 9, as well as withdrawn claims 7 and 8, have been amended as suggested in the Office Action. Accordingly, it is submitted that the objection should be withdrawn.

Art rejection

In the Office Action, claims 1-6 and 9 are rejected under 35 U.S.C. 103(a) as obvious over US 6,948,311 to Schaller et al. (“Schaller”) in view of US 6,952,919 to Otake et al. (“Otake”).

Otake has its earliest publication date under section 102(a) or (b) on July 29, 2004, i.e., less

than one year before the PCT filing date of this application on October 12, 2004, and the earliest effective date of Otake under section 102(e) is its US filing date on January 13, 2004, which is after the priority date of November 3, 2003 claimed in this application.

A certified English translation of the priority application is submitted with this paper to perfect the priority claim.

It is submitted that the text of the priority application is substantially identical to the present application, except that the subject matter of claim 1 of the present application is described in claims 1-4 of the priority application, and the subject matter of claims 2-11 of the present application is described in claims 5-14 of the priority application, respectively (with a corresponding difference on page 3 of the specifications).

Thus, the claims in the present application are fully supported in the priority application. Accordingly, Otake is not available under 35 U.S.C. 102(a), (b) or (e).

In view of the above, it is submitted that the rejection should be withdrawn.

Conclusion

Withdrawal of the election of species requirement and examination of all pending claims in the application is respectfully requested.

In conclusion, the invention as presently claimed is patentable. It is believed that the claims are in allowable condition and a notice to that effect is earnestly requested.

In the event there is, in the Examiner's opinion, any outstanding issue and such issue may be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Amendment
U.S. Appl. No.: **10/595,634**
Attorney Docket No. **PSA0313162**

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of the response period. Please charge the fee for such extension and any other fees which may be required to our Deposit Account No. 502759.

Respectfully submitted,

/nicolas seckel/

Nicolas E. Seckel
Attorney for Applicants
Registration No. 44,373

Nicolas E. Seckel
Patent Attorney
1250 Connecticut Avenue, NW Suite 700
Washington, DC 20036
Tel: 202-669-5169
Fax: 202-822-1257
Customer No.: 29980
NES/rep